IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) **MAIL STOP AF**
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Takeshi Morikawa et al.	) Group Art Unit: 2625
	)
Application No.: 10/772,443	) Examiner: Marcus T Riley
	)
Filed: February 6, 2004	) Confirmation No.: 5146
	)
For: DATA PROCESSING APPARATUS	)
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	)

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 27, 2008, applicants request a pre-appeal brief conference.

Claims 1 – 8, 10 – 15, and 17 – 19 have been rejected under 35 USC 103(a) as being unpatentable over USP 6,130,757, hereinafter *Yoshida*, in combination with USP 6,208,273, hereinafter *Dye*.

The Examiner relies upon *Yoshida* as a primary reference for an alleged teaching of a data processing apparatus comprising one or more compression/decompression units that compress the data for the input job and decompress the compressed data. The Examiner acknowledges that *Yoshida* does not expressly disclose the claimed controller. To overcome this deficiency, the Examiner relies on *Dye*.

In particular, the Examiner alleges that at column 21, lines 63 – 67, *Dye* discloses a controller that, when a processing request is issued for processing of the data for a next job by said compression/decompression unit(s) during processing of the data for a current job by said compression/decompression unit(s), obtains the processing wait period between pages of said current job, determines whether or not the data for said next job will undergo compression or decompression based on a comparison between the minimum processing time for said next-job data and said

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processing wait period, and controls the execution of processing of said next job by said compression/decompression unit(s) between pages of said current job in accordance with this determination.

Obtaining the processing wait period between pages of said current job:

In the *Examiners Answer* section, beginning on page 7 of the current Office Action, the Examiner alleges that the "obtains the processing wait period between pages of said current job" part of the claim is taught at column 20, lines 31 - 37 of *Dye*. This is a different portion of *Dye*, than is relied upon for the rejection. Furthermore, there is no teaching of obtaining the processing wait period between pages of said current job at either cited section of *Dye*. Although column 20, lines 31 - 37, does use the word "waiting", it is in the context of storing data in a cache while another process is occurring. In other words, the L3 data cache is used to store LRU pages that are waiting to be compressed. There is no discussion of obtaining a wait period.

Furthermore, at the other cited section, column 21, lines 63 – 67, *Dye* merely describes that the compression cache control unit 281, along with the switch unit 261, determine the transaction type, priority and control required to complete the transaction by either the L3 data cache 291, the parallel compression and decompression unit 251 or the main memory interface 560.

The cited portions of *Dye* are completely silent with regard to obtaining the processing wait period between pages of said current job.

determining whether or not the data for said next job will undergo compression or decompression based on a comparison between the minimum processing time for said next-job data and said processing wait period:

In the *Examiners Answer* section, on page 7 of the current Office Action, the Examiner alleges that the "determining whether or not the data for said next job will undergo compression or decompression based on a comparison between the minimum processing time for said next-job data and said processing wait period" part of the claim is taught at column 20, lines 27 - 42 of *Dye*. Again, this is a different portion of *Dye*, than is relied upon for the rejection. Furthermore, there is no

teaching of "determining whether or not the data for said next job will undergo compression or decompression based on a comparison between the minimum processing time for said next-job data and said processing wait period" at either cited section of *Dye*. Although the first cited section refers to storage of data, there is no teaching or suggestion that such storage is "based on a comparison between the minimum processing time for said next-job data and said processing wait period". Thus, there is no teaching of "determining whether or not the data for said next job will undergo compression or decompression based on a comparison between the minimum processing time for said next-job data and said processing wait period" at either cited section of *Dye*.

controlling the execution of processing of said next job by said compression/decompression unit(s) between pages of said current job in accordance with this determination:

In the ***Examiners Answer*** section, at the bottom of page 7 of the current Office Action, the Examiner alleges that the "controlling the execution of processing of said next job by said compression/decompression unit(s) *between pages* of said current job in accordance with this determination" part of the claim is taught at column 20, lines 36 - 42 of *Dye*. The cited section does not have anything to do with "controlling the execution of processing of said next job by said compression/decompression unit(s) *between pages* of said current job in accordance with this determination", wherein the "determination" is the determining referred to in the preceding paragraph. Thus, there is no teaching of "controlling the execution of processing of said next job by said compression/decompression unit(s) *between pages* of said current job in accordance with this determination" at either cited section of *Dye*.

Basically, *Dye* simply acknowledges that priority and control are determined. It does not explain how the priority and control are determined. Accordingly, Applicants submit that neither of the applied references teach the claimed combination of claim 1. Claims 2 – 3 depend from claim 1, and are thus also patentable over the applied art.

Claim 4 defines a data processing apparatus that includes, among other things, a controller that, when a processing request is issued for processing of the data for a next job by said compression/decompression unit(s) during processing of the data for a current job by said compression/decompression unit(s), identifies an attribute of said next job, determines whether or not the data for said next job will undergo compression or decompression based on said identified next-job attribute, and controls the execution of processing of said next job by said compression/decompression unit(s) between pages of said current job in accordance with this determination.

The Examiner alleges that the controller of claim 4 is also taught by *Dye*. Such a controller is also not taught by *Dye*. Basically, *Dye* simply acknowledges that priority and control are determined. It does not explain how the priority and control are determined. Accordingly, Applicants submit that neither of the applied references teach the claimed combination of claim 4, and in particular, the combination that includes, among other elements, a controller that (1) identifies an attribute of said next job, (2) determines whether or not the data for said next job will undergo compression or decompression based on said identified next-job attribute, and (3) controls the execution of processing of said next job by said compression/decompression unit(s) between pages of said current job in accordance with this determination.

Based on the foregoing, Applicants submit that the applied references do not teach or even suggest the combination of claim 4. Claims 5 – 10 depend from claim 4, and are thus also patentable.

Claims 11 – 19 are patentable over the applied art at least for the reasons set forth above with respect to claims 1 and 4.

Accordingly, the Examiner is respectfully requested to withdraw the rejections. In the event that the Examiner persists with the rejections, the Examiner is requested to specifically identify where *Dye* teaches the three controller elements identified above in claim 1 and the three controller elements identified above in claim 4.

Claims 9 and 16 have been rejected under 35 USC 103(a) as being unpatentable over *Yoshida*, in combination with *Dye*, and further in view of U.S. Patent No. 6,934,046, hereinafter *Nishikawa*. However, claims 9 and 16 depend

from claims 4 and 11, and *Nishikawa* does not overcome the deficiencies of *Yoshida* and *Dye.*

Accordingly, the rejection of all claims must be withdrawn.

If there are any questions concerning this request, or the application in general, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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Date: 12/15/2008

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